

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

JAMES KARIM MUHAMMAD,

No. C 12-02407 CRB

Plaintiff,

**ORDER DENYING APPLICATION  
TO PROCEED IN FORMA PAUPERIS  
ON APPEAL**

v.

KEVIN J. BERRETH, et al.,

Defendants.

The Ninth Circuit has referred this case to this Court “for the limited purpose of determining whether in forma pauperis status should continue for this appeal or whether the appeal is frivolous or taken in bad faith. See 28 U.S.C. § 1915(a)(3); see also Hooker v. American Airlines, 302 F.3d 1091, 1092 (9th Cir. 2002).” The Court dismissed this case on February 25, 2013, holding that Plaintiff’s amended complaint failed to state a claim upon which relief can be granted. See generally Order (dkt. 79). The amended complaint stems from a state court case in which Plaintiff received a default judgment that was subsequently revoked. Id. at 1. The Court dismissed Plaintiff’s claims, explaining that: (1) the Eleventh Amendment barred Plaintiff’s claims against the Superior Court, and such claims asked this Court to impermissibly review a state court judgment; (2) non-lawyers are not a protected class under § 1985; and (3) Plaintiff could not state a claim against the individual defendants under § 1983 because they are not state actors, and Plaintiff failed to sufficiently allege a

1 conspiracy with the Superior Court. Id. at 5. In the Court's view, none of these holdings are  
2 reasonably subject to dispute. Accordingly, the Court finds that the appeal is frivolous. In  
3 forma pauperis should be revoked. See 28 U.S.C. § 1915(a)(3).

4 **IT IS SO ORDERED.**

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6 Dated: April 10, 2013



CHARLES R. BREYER  
UNITED STATES DISTRICT JUDGE